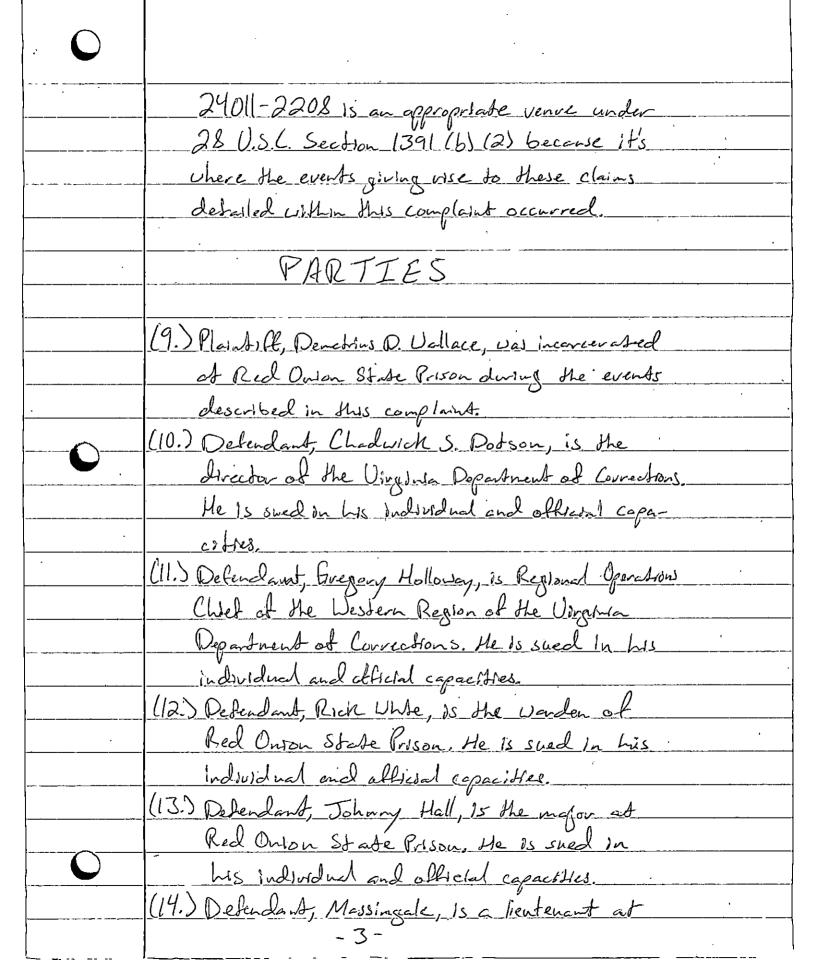
Filed 03/18/24 Case 7:24-cv-00194-EKD-CKM Document 1 United States District ConscEAR'S OFFICE U.S. DISTRICT. COUR For The Western District Of AT MAR 18 2024 Virginia BY: DEPUTY CLERR COMPLAINT Demetrius D. Vallace, "Jury Trial Demanded" Plaintiff, Civil Action No. 7:24-CV-00194 Hon. Dillon Director Chadeich S. Dodson, et. al. In their individual and official apacities, Defendant(s), INTRODUCTION (1.) This is a civil rights action filed by Demetrius D. Wallace, a state prisoner, for damages and injunctive velicl under 42 U.S.C. \$ 1983, alleging excessive use of force and denial of nedical care in violation of the Eighth Amend ment to the United States Constitution and continement in segregation in violation of the Whe Process Clause of the Fourteenth Amendment to the Constitution, (2.) The plaintill, Demetrius D. Wallace, also alleges the torts of assault, battery, and negligence. -1-

JURISDICTION

- (3.) This is a civil action authorized by 42 U.S.C. Section "1983" to reduces the deprivation, under color of state law, of rights secured by the Constitution of the United States.
- (4.) This cause of action arises under the United States Constitution, enforcable pursuant to 42 U.S.C. \$1983.
- (5.) The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a) (3).
- (6.) Plaintiff, Denetrius D. Wallace, claim for Injunctive vehiel are authorized by 28 U.S.C. Section 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure.
- (7.) The court has supplemental jurisdiction over the plaintiff, Demetrius D. Wallace, state law tort claims under 28 U.S.C. \$ 1367.

VENUE

(8.) The United States District Court for the Destern District of Virginia 210 Franklin Road, SU, Suite 540 Roanoke, Virginia



Red Onion State Prison. He is sned in his individual capacities.

(15.) Defendant, Smith, Is a Sergeant of Red Onton State Prison. She is sned in her individual capacity.

(16.5 Delendant(S), John Doe; John Poe#2,
John Doe#3, and John Doe#4 are
severals employed at Red Onion State
Brison whose names are presently unknown
to plaintiff, Denetrins P. Wallace. They are
sued in them individual capacities.

(17.) Defendant, Dotson, is a correctional officer employed at Red Onton State Poison. He is sned in his individual capacity.

(18.) Defendant, Milgrim, is a correctional officer employed at Red Onson State Prison. He is sued in his Individual capacity.

(19.) Petendant (5), John Doe #5, John Poe #6,
John Poe #7, John Doe #8, John Poe #9,
and John Doe #10 are correctional officers
employed at Red Onton State Prison whose
manes are presently unknown to plantiff,
Denetrous D. Wallace. They are sued in their
individual capicities.

(20.) Defendant, Jane Doe, is a nurse employed

at Red Outon State Prison. She is swed in her individual and official Capacities.

PLAINTIFF

(21.) Plaintiff, Demetrins D. Wallace, was and is at all times mentioned here within this complaint, a prisoner of the State of Virginia in the custody of the Virginia Department of Corrections (VADOC).

(22.) He is currently contined in Red Outon State Prison in Pound, Virginia

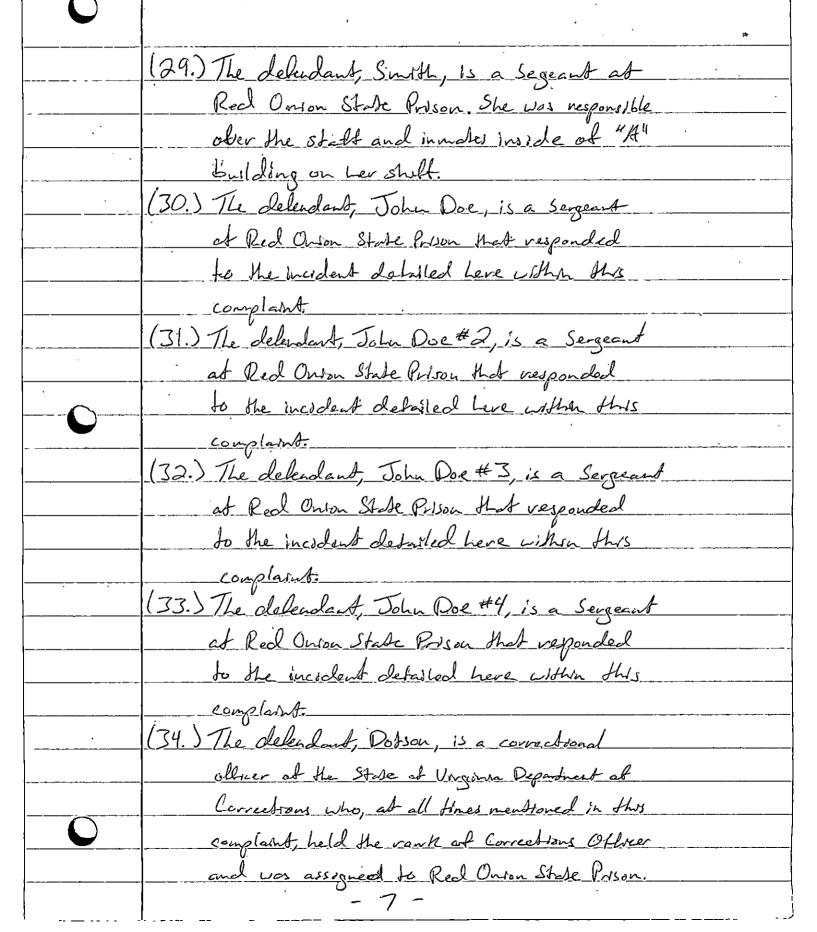
PREVIOUS LAWSUIT(S) by PLAINTIFF

(23.) Plaintiff, Denedrius D. Wallace, has no other lawswith dealing with the same facts involved in this action or otherwise cleding with or relating to his imprisonment.

DEFENDANT(s)

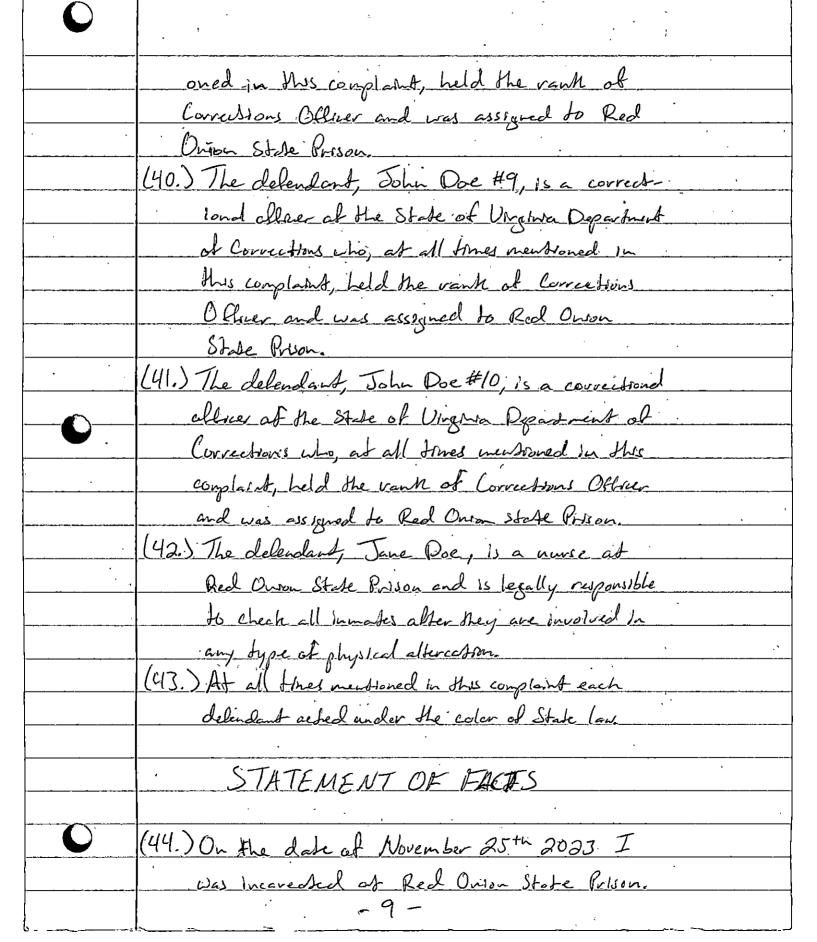
(24.) The delendant, Chadwick S. Dotson, is the Director of the State of Virginia Department of Corrections. He is legally

- Vesponsible for the overall operations of the Virginian Department of Corrections and each Institution under it's jurisdiction, including Red Onion State Prison.
- (25.) The defendant, Gregory Holloway, is the Regional Operations Chief of the Western Region of the Utypina Department of Corrections. He is legally responsible for operation of all of the prison in the State of Unginia within the Destern Region, including Red Onion State Prison.
- (26.) The defendant, Rich White, is the Warden of Red Onton State Prison. He is legally responsible for the operation of Red Onton State Prison and for the vellere of all the immobes in the prison.
- (27.) The defendant, Johnny Hall, is the Major of Real Ordon State Prison. He is responsible for the overall sately of immates and the institution.
- (28.) The defendant, Massingale; is a Lieutenant at Red Onion State Prison. He was the Watch Command and Supervisor of the shift that the incodent detailed here within happened on.



- (35.) The delendant, Milgrin, is a correctional elicer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.
- (36.) The defendant, John Doe #5, is a correctiond allower of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

 (37.) The defendant, John Poe #6, is a correctional
 - officer of the State of Virginia Department of Lovrendrous who, at all times mentioned in this complaint, held the rank of Corrections Office and was assigned to Red Owen State Prison.
- (38.) The defendant, John Doe #7, is a correctional officer of the State of Virginia Department of Corrections who, at all times newtraned in this complaint, held the rank of Corrections Officer and was assigned to Red Onson State Prison.
- (39.) The delendant, John Doe #8, is a correction onal officer of the State of Vingtonia Department of Corrections who, at all these mentions



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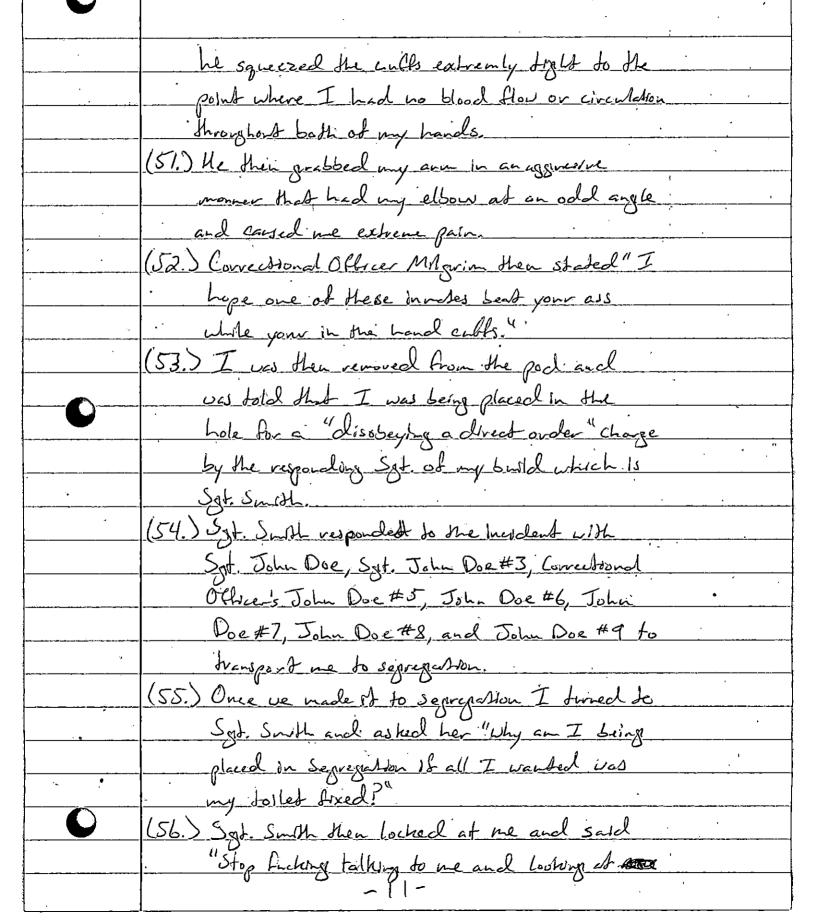
(45.) I was out of my cell on the pool enjoying my out of bed area activities. (46.) At the end of my out of bod area activity time, I approached correctional officer's Dotson and Milgrim and made then aware that I have been harly problems with my sink and toilet for weeks and they still howent been fixed.

(47.) Officer's Milgrin and Dotson then become extremly aggressive and hostile towards me Saying though such as "Shot the fuck up", "Get the fuck out of my face", "Lock your dams ass down , and various other through that were degrading and disrespectful.

(48.) I then stated that I just want my to !let fixed because prior to this alterection I had been using the resteroom in the shower over the dur Aron at my toilet being broke.

(49.) Correctional Officer Milgrim then removed his handcults from his warst and said I'm locking his dumb ass up" to Correctional Officer Potson, and Hen told we "Turn around and cust the hell up".

(50.) I was then author by Correctional Office Milgrin. After placing the cults on my wrist



me" as she removed her nace consider.

- (57.) I then told Sgt. Smith that I could look wherever I want and that she can't tell me where to look and where not to look.
- (58.) Sgt. Smith then maced me directly in my face and eyes at goint blank range for no reasons
- (59.) After I was maked, Sgt. John Doe, Sgt. John Doe #3, Correctioned Officers John Doe #5,

 John Doe #6, John Doe #7, John Dee #8,

 and John Doe #9 then lifted me off of my

 feet into the air and then slammed me

 extremly hand onto a solid concrete floor

 white I was in handcuffs and shackles.
- (60.) While on the ground they proceeded to put there knees on my back and neck causing we extremly un bearable pain in my back and also mable to breath due to the knee's that were on my heck/facial region.
- (61.) I started to gasp for ast helling that I cont breath and that I have rods in my leg to replace my femur and they continued be apply pressure to it as I called out begging them to stop.

(62.) Lt. Massingale, SitJohn Doe #2, St. John Doe #4, and

correctional afforer #10 Hen responded to this incredent and then told me to stand up but I couldn't due to all of the knee's that were on various pass of my body. (63.) They then removed their knees off of me and then I stood up to the best at my abilities. (64.) Once I was completly evect I made them aware that I couldn't feel my legs and asked Then could they glease for my leg shackles because they had become to tight while I was on the ground and they were on top of me. (65.) After I asked them several more times (because they were divoring oned I was then assaulted again by all of them and then three in a Segregation cell. (66.) While in my cell in segregation I continued to ask every employee of the prison that would walk pars to please get the norse for me because I was in unbearable pain all over my body and still had an tremendous amount at mace in my

(67.) Even though H's Virginia Department of Connections policy to have a nurse check an innote out after any force is weed, a nurse was hever provided to me

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- (6S.) I then over the course of the next couple of days after the incident, wrote the medical administrator to my and get chicked out but never recieved a response. (69.) Also I had to subject multiple withen complants and grevances because the institwhom kept acting like they last my paper work that I was biling because I made Then avere that I wanted all of the body can bestage sored for a filme civil sud (See Exhibit's II, I, II, III, III, X, and II).
- (70.) Lastly, I would like this honorable court to Know that these are not just neve allegations, These are all facts that were observed on Video Gostage that has been saved. (See Exh-1617 XII)
- (71.) All of the defendants mentioned in these facts lacked penalogical and for security justification to treet plansilt, Denetitus P. Wallace in the marrier as described above. (72.) All of the delendants newhored above acted vandonly, maliciously, and willfully to cause plaintiff, Denetrous P. Wall are pain and Sullering.

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STATEMENT OF CLAIM

(73.) At all times here without, the defendants)

were "persons" for purposes of 42 U.S.C.

Section "1983" and acted under color

of law to deprive the plantoft, Denetrias

D. Wallace, of his constitutional rights, as

set forth more fully detailed within

this complaint.

EXHAUSTION OF LEGAL REMEDIES

(74.) Plaintilt, Demetrius D. Wallace, used the prisoner grievance procedure available at Red Onion State Prison to try and solve the proteins detailed within this complaint.

(75.) After presenting the facts to the appropriate authorities within the prison and outside of the prison through written complaints and then through gricuances, plaintiff, Denetrius D. Wallace, was sent a verpouse to each grievance stating that they had been denied and unfounded.

(76.) Due to this, plaintiff, Denehius D. Vallace, has exhausted his administrative remedies with

respect to all claims and defendant(s). (See Exhibit's IV, I, II, III, IX, X, and XI)

LEGAL CLAIMS FOR RELIEF

(77.) Plaintiff, Demetrius D. Vallace, allege and incorporate by reference paragraphs 1-76
(78.) The beating and deliberate indifference to medical needs wolated plaintiff, Denetrius D. Wallace, rights and constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

(79.) The plaintiff, Denetrius D. Vallace, has no plan, adequate or complete revedy at law to redress the wrongs described here within. Plaintiff, Denetrius D. Vallace, has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declatory and injunctive velled which plaintiff, Penetrius D. Wallaces seeks.

PRAYER FOR RELIEF LIHEREFORE

(20.) Plandolt, Denetrins P. Wallace, respectfully

prays that this court enter judgment granting plaintiff:

(A.) Issue a decladory judgment storing that:

(1.) The physical abuse of the plaintill by delendants Milgrim, Dotson, Sgt. Smith,

Sgt. John Doe, Sgt. John Doe #3, Correctional Officers John Doe #5, John Doe #6, John Doe #6, John Doe #7, John Doe #8, John Doe #9, Lt. M
assingale, Sgt. John Doe #2, and Sgt. John Doe #4 violated the plaintilt's rights under the Eighth Anendment to the United States Constitution and constituted on assent and battery under state law.

(2.) Defendant(s), Major Hall, Sgt. Smith, and Lt.

Massingule's failure to take action to curb

the physical abouse of prisoners violated the

plaintiff's vights under the Eighth Amendment

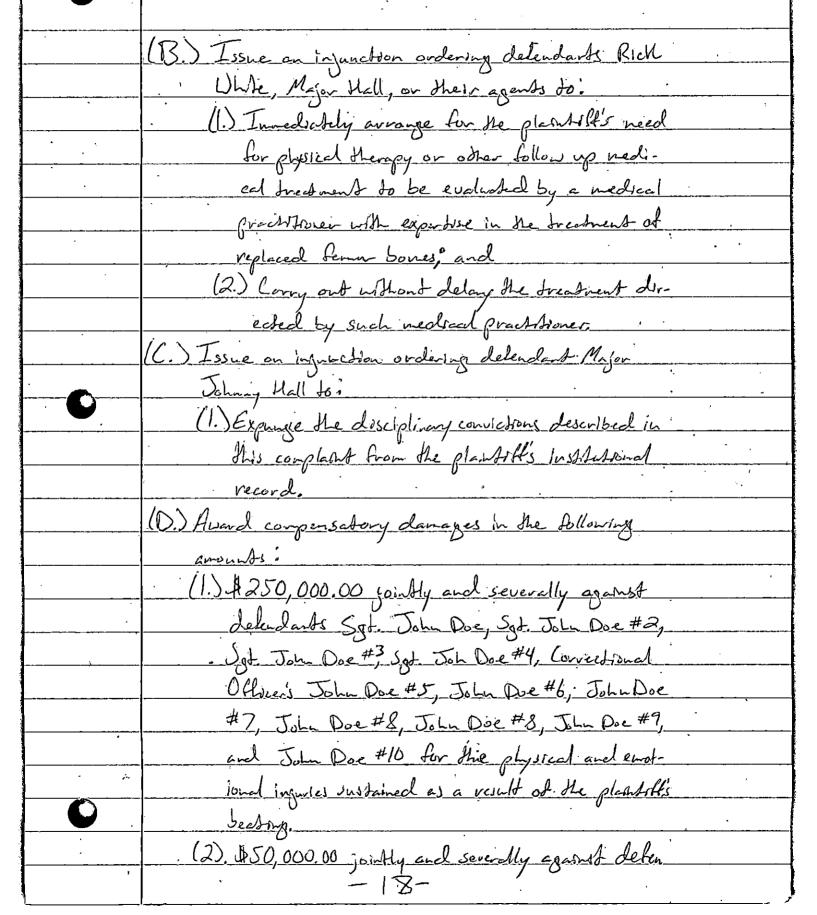
to the United States Constitution and const
itated an assault and battery under state law.

(3.) Defendant, Nurse Jane Doe, actions in fail
ing to provide adequate nedical care for the

plantiff violated the plantiff's rights under

the Eighth Amendment to the United Sta-

tres Constitution.



don'ts Sgt. Smith and Lt. Massingale for the phyiscal and emotional injury that were sustained as a result of the glassoft's beefing also including deprivation of liberty, amenity and emotional injury from their deusal of due process in connection with the false charge and disciplinary proceedings velocings to this mosser. (3.) \$50,000.00 against delendads Rick white, Major Johnny Hall, and Norse Jane Doe For the physical and emotional injury resulting from their batture to provide adequate medical care to the glass tothe

(4.) \$25,000.00 against delendant Gregory Holloway for fating to properly investigate the mothers debathed on this complaint and also failing to acknowledge multiple giverances Hust were sent to him regarding this matter.

(E.) Award purifive damages in the following amounts: (1.)\$10,000.00 each against defendants Sgt. John Doe, Sgt. John Doe #2, Sgt. John Doe#3, Sgt. John Doe #4, Correctioned Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, and John Dee #

(2.) \$20,000.00 each against delendant(s)

Sgt. Smith and Lt. Massingale;
(3.) \$15,000.00 against delendant Jane Doe.

(F.) A juny trial on all issues triable by juny.

(G.) Plaintiff's cost in this smit.

(H.) Enter an injunction requiring the delendants, their againsts, subordinates, employees, and all others acting in concert with them to cease their unconstitutional and unlawful practices and to remainly their violations of the Constitution and the laws.

(I.) Any add trond relief that this court deems just, groper, and equitable.

Date:

Dennitaro Mallace Dendrius D. Vallace

Respektfully sub n Med,

Denetrius D. Wallace #1705834

Virginia Cembralized Mail Distribution Center Red Onion State Prison

3521 Woods Way

Stole Farm, Ungrisa 23/60

Verilication

I have read the toregoing complaint and I, glaintift, Demetrius P. Vallace, state that I am the plainfilt in this action, and I know the consent of the above complaint; that is trul of my own Knowledge, except as to those matters that are stated to be based on information and belief, as to those matters, I believe them to be true. I further state that I believe the factual assertations are sufficient to support a claim of violation of constitutional rights, Further, I verity that I am aware of the provisions set forth in 28 U.S.C. \$ 1915 that prohibits an inmate from Colling a chill action or appeal, it the prisoner has, on three or more occations, while incorcerated brought an action or appeal, in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to shade a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on many of the above grounds, I may be prohibited from Giling any Endure actions without the prepayment of the Kiling fee's. Pursuant to 28 U.S.C. \$ 1746, I declare and verify under the penalty of perjury under the laws of the United

Lewedrins D. Wallace #1705234 Red Orion State Prison P.O. Box 1900 Pound, Varginia 24579.

VA DEPTARTMENT OF CORRECTIONS
HAS NEITHER CENSORED OR INSPECTED
ITEM THEREFORE THE DEPARTMENT DOES
NOT ASSUME ANY RESPONSIBILITY
FOR IT'S CONTENTS



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Clerk, United States District Count 210 Franklin Road, SU, Suite 540. Roanoke, Virginia 24011-2202





